

REMARKS

Claims 61-114 were examined. Claims 61, 69, 73, 104, 105, 109, and 114 have been **amended**; claims 63, 68, and 113 have been **cancelled**. New claim 115 has been **added**. No new matter is added by the amendment.

Rejections under 35 USC §112

Claims 61, 68, 73, 104, 105, 109, 114 are amended to correct for the informalities noted by the examiner.

Specifically, the Examiner objected to the inclusion of body fluids in the device (page 2 of the Office Action). Claim 61 has been amended to correct for this.

The Examiner objected to the conflict between embodiments that may include oxidase as an oxidizing agent. Claims 68, 73, 104, 105, and 109 are amended so that only room temperature vulcanization elastomers are used when an oxidase is included as the oxidizing agent.

With regards to the various enablement issues raised on pages 4 through 6, as the claims now recite that the oxidant is iodine, these objections are now moot in light of the amended claims.

With regards to the omission of essential steps rejection on pages 6 through 7, those rejections are now moot in light of the amended claims.

The antecedent basis rejection for "alkali iodate salts" is also moot in light of the claim amendments, as are the rejections on page 8 of the Office Action.

Rejections under 35 USC §102 and §103

Claims 62-62, 64-66, 70, 99-109, 106 and 112 stand rejected under §102(b) as anticipated by or, in the alternative, under §103(a) as obvious over Trescony, et al. (US 5,994,444). These grounds of rejection are respectively traversed.

U.S. Patent No. 5,994,444 (Trescony, et al.) is directed to making nitric oxide and not to medical devices, or polymers, incorporating solid reactants, anti-infective activity. Nitric oxide has no intrinsic antimicrobial activity. The only anti-infective activity of nitric oxide is very limited and is from oxidation of nitric oxide. See (see p. 185, column 2, lines

8-10 in Burgner, D., Rockett, K. and Kwiatkowski, D. (1999). *Nitric oxide and infectious diseases*. Arch Dis Child **81**: 158-185).

Additionally Trescony fails to disclose that it can generate iodine at the quantities recited by the claimed invention. Accordingly, claims 61, 114, 115, and their dependent claims are now in condition for allowance.

CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 25658-3202).

Respectfully submitted,

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